G. R. S. IX-5]

Previous references

File 53-19 -
Sls. 124

1919-20.

(C. 63.)

File No. S 3 — 19

Serial Nos. 5-6-

Later references.

CB. 53-19 Sls 6&7
CB & 2-21-125
CB 258-22-1204 (Comptl)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 5. 6. 7.

Part B for June 1920.

SUBJECT.

Representation of Mr. S. Abdul Wajid,
Superintendent of Police

From | The Inspector General of Police in Mysore.
No. R.O.C. 693-19-20 & 15.12.19

State that the postponement of 6 increments and withholding of one increment effected by postponing Mr. Abdul Wajid's subsequent increments -

To - The Sec. of Police, The Rev. Comr. & the Comptr.:
No - 27.86-88 | CB 53-19-6 & 28.6.1920.

Orders in adoption of principles ~~in~~ the Order of Govt. of India, in their case & state that he may be allowed the next higher class -

Issued
16-7-1920

WD 788—GPB—5,000—7-11-19

(For Disposal at a Meeting)

No. C. 392

.....19..20

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause v of the schedule)

Question of reconsidering the case of Mr. Abdul Wajid, Superintende of Police, relating to the stoppage of promotion for 6 months and propos to adopt the Government of India rule, on the withholding of periodical increments of officers, referred to by the Inspector General of Police.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C B Balasundaram
Chief Secretary to Government. 28/1/20

27th January 1920.

Extraordinary Member of Council.

4869-377
29.1.20 **First Member of Council.** opinion recorded Pul 30.1.20 24/1

5792
1-1-20 **Second Member of Council.** Approved 2/2/20

Third Member of Council. Seen.

5
2/2/20

G. R. S. III—1] 1919-20

GENERAL AND REVENUE SECRETARIAT.

(CB)

NOTES.

File No. 53-19

FILE HEADING.

Representation of Mr. S. Abdul Wajid, D.S.P.

From

The Dy of Police in Mysore

No. R.O.C 1693/19-20 Dated 15/12/19 Received 18/12/19

Diary No.	563	Enclos. 1 Gazette Spare Copies.	Serial No. 5

BRIEF ABSTRACT OF LETTER.

Reporting to G. of I solicits reconsideration of Mr. Abdul Wajid's case & requests, on the analogy of order of Govt of India in the matter of interpretation of Art 152 CSR, that the stoppage of promotion for 6 months may not be made to have the effect of postponing Mr Wajid's subsequent promotions.

NOTES AND ORDERS.

It is not clear whether promotion from class to class of Asst Commrs is identical with the increments from stage to stage of an incremental appointment. For example increments of Professors of Colleges in 500-1000 or 400-700 grade may be drawn ordinarily by the respective officers on the Comptroller's authority without

NOTES—First Sheet.

Serial No.

This is the essence of the decision. BOD

the same being sanctioned by Govt & notified in the Gazette. Interruption does not affect the earning of increments provided the prescribed period is made up but to earn class promotion uninterrupted & continuous service is necessary.

2 Also only pro-tem service prior to ~~complete~~ Confirmation counts for increments & not for promotion from class to class of Asst Commrs.

3 Whether the authority quoted by H.G.P is applicable to the case is for orders.

[The H.G.P does not ask for reconsideration on the merits of the case.]

ASM 7/1/1920 ~~Sec~~ Chief Sec'y

BOD 8-1-20.

4 So far as practice here goes, orders withholding increments in the case of Asst Commrs have been always interpreted as not affecting all future increments also, even though this intention has not been specifically stated.

5 In the case of Asst Commrs the promotion is from class to class which is not quite the same thing as ordinary incremental promotion.

6 ~~As~~ So far as the Wajid case is concerned I think ~~the~~ his future

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | CB File No. 53 of 1919

Serial No.

increments will also have to be deferred unless Govt now rule to the contrary.

7 As regards general rule the Govt of India rule referred to may be adopted in future, & this will thus make the ordinary application of the rule favourable to the officer concerned.

8 Put up with Compliments in favour of remarks.

CBy 18/7/20

9 I agree with the Chief Secy. Rtd. with Compliments.

Mull 13/7/20

2598/15/1/20

3rd member } Dewan }

CBy 18/7/20

10 I agree with the Sec[y]. I may say that I am also generally conversant with the soundness of the Govt order quoted by the Secy.

11 The case in the present case is not a question of mere increments but of promotion from one class to another & as such the proper authority to sanction the proposed pension is approved Govt in each case.

12 All aspects of this question were considered in Council when it came up before here last year & so

NOTE—Contn. sheet.

5-63 5

G. R. S. III-2]

General and Revenue Secretariat. | File No. | of 191

DEWAN'S OFFICE.
Recd. on JAN 24 1920
Reg. No. 4982

Serial No.

This Writ has a recent Decision of Calcutta for

Dewan 23/1

13 If you are C.S. Case under C.S. Rules & the Writ is dismissed in the order of the Bihar & Orissa Govt. which seems a very fair & reasonable one, why not begin by making the amount effectable in the present case? I have left the matter to be decided in view of what has happened to the writ of Pet. here.

25-1-20

14 Circulate

26/1/20

15 It seems to me that it would be better to amend the rule-nisi & then deal with this case under the amended rule.

30.1.20

16 The principle underlying the rule-nisi for a writ is that prohibition

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 191

Serial No.

must a promotion is in the nature
of fine, that he should be denied
increment for his ~~fine~~ increment in the
date it was ordinarily due. When a
that an account of promotion
awarded, but it should be denied
when increment withheld.
Mr. Mehta pressed for the
acceptance of the Council when
the matter was discussed last.

1/2/20.

NOTE—Contn. sheet.

"D" 6.

Subject. - Clause v of the schedule.

Question of reconsidering the case of Mr. Abdul Wajid, Superintendent of Police, relating to the stoppage of promotion for 6 months and proposal to adopt the Government of India rule, on the withholding of periodical increments of officers, referred to by the Inspector General of Police.

....

Opinion of the Council.

1242.

Bringup after
Mr Banerji's return.

Extract from the Proceedings of the ~~August~~ *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 11th & 12th March 1920. ~~1919~~.

10. Subject. - Clause v of the schedule.

Question of reconsidering the case of Mr. Abdul Wajid, Assistant Commissioner relating to the stoppage of promotion for 6 months and proposal to adopt the Government of India rule, on the withholding of periodical increments of officers, referred to by the Inspector General of Police.

Opinion of the Council.

18 The Government of India rule about the effect of deferring promotions may be adopted and applied in this case. Also in view of the wording of the Government Order of July 1917 that "the promotion . . . now due to him is withheld for a period of 6 months", he may be promoted to the next higher class from January 1920.

Note:- The rule now adopted will not have retrospective effect but if any old cases of deferred promotion are raised for consideration each case may be dealt with on its merits.

gned) M. Kantaraj Urs,
Dewan of Mysore.

"EXTRACT'

C S Balasundaram

Chief Secretary to Government.

WD 1148—GPB—1,000—23-12-18

C. 392 9

G. R. S. III-2,

General and Revenue Secretariat. | DB File No. 53 of 1919.

Serial No.

19 D.F.N. sub

3/3/1920

3rd November

5540
7.4.20

20 Agd

7/4/20

8/4.

21 Final Note signed by the Hon'ble Member in charge

9/4/20

DEWAN'S OFFICE.
Recd. on APR 9 1920
Reg. No. 6968

22 D.S.N. Sd.

9/4/20 Dewan

9/4/20

Final Note by the Third Member of Council.

Subject:-

Proposal to adopt the Government of India rule on the withholding of periodical increments of officers and further consideration of Mr.Abdul Wajid's case.

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23 In connection with the case of Advocate Mr.B.Garudachar of Shimoga (vide Government Order No.J.306-10/Police.15-17-1 dated 26th July 1917) Mr.Abdul Wajid's promotion to the 3rd class of Assistant Commissioners which had become due at the time was withheld for a period of six months.

2.Mr.Abdul Wajid's representation dated 25th August 1919 for a reconsideration of the above order or, if that was not possible, for his next promotion being sanctioned from the due date i.e. 5th January 1920, was declined and Inspector General of Police was informed accordingly in letter No.792/C.B.53-19-4 dated 10th December 1919.

3. The Inspector General of Police now brings to notice an order of the Government of India (No.752-C.S.R. dated 16th July 1919) on the withholding of periodical increments of officers. This order lays down that when the authority passing orders to withhold an increment fails to specify clearly for what period the officer is to be deprived of his increments, the deprivation should be held to cease on the expiry of the period during which the officer would have drawn the increment withheld. In the light of this order the Inspector General of Police recommends a further consideration of Mr.Abdul Wajid's case.

4. The subject was considered at a meeting of the Council held on 11th and 12th March 1920 and the Council have resolved as follows:-

"The Government of India rule about the effect of deferring promotions may be adopted and applied in this case. Also in

view of the wording of the Government Order of July 1917 that "the promotion now due to him is withheld for a period of 6 months," he (Mr.Abdul Wajid) may be promoted to the next higher class from January 1920.

Note.- The rule now adopted will not have retrospective effect but if any old cases of deferred promotion are raised for consideration, each case may be dealt with on its merits."

5. The recommendation of the Council may be sanctioned.

MEMBER OF COUNCIL.

9th April 1920.

12

Submitted to His Highness.

24 *I submit herewith a Final Note by the*...Third...

Member of Council on the subject of...the..proposal to adopt the Government of India rule on the withholding of periodical increments of officers and further consideration of Mr. Abdul Wajid's case, *for His Highness' gracious approval.*

Dewan.

12th April 1920

STATEMENT OF CASES SUBMITTED FOR THE ORDERS OF HIS HIGHNESS THE MAHARAJA DURING THE TOUR OUTSIDE THE STATE IN April 1920.

Serial No.	Subject	Recommendation of Council, & Member of Government in charge, ~~as the case may be~~	Dewan's recommendation	Orders of His Highness	Orders regarding submission of files (*vide* foot-note).
Paras 25 1046	Adoption of the Government of India rule on the withholding of periodical increments of officers and further consideration of Mr.S.Abdul Wajid's case.	The Government of India rule about the effect of deferring promotions may be adopted and applied in this case. Also, in view of the wording of the G.O. of July 1917 that "the promotion now due to him is withheld for a period of 6 months", he may be promoted to the next higher class from January 1920. The resolution of the Council may be sanctioned.	The recommendation of the Third Member of Council may be graciously approved.	Rd 10-5-20	"C" Achtal 29.4.20

392

NOTE.—The letter a, b or c may kindly be inserted by the Private Secretary to His Highness in the last column to indicate whether—
File may be submitted at once ... ... a
File may be submitted after His Highness' return ... ... b
File may not be submitted at all. c

13

WD 1212—GPB —500—7-1-19

CB 3 63

C. 392

14

G. R. S. III-2]

General and Revenue Secretariat.	CB File No. of 19 .

Serial No.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

26 Circulated to the Members of Council for perusal of His Highness' orders $\frac{\text{before}}{\text{after}}$ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

C S Balasundaram 13/5
Chief Secretary to Govt.

Through the Secretary to Government,

.....Department.

375 / 13/5/20

27 FIRST MEMBER OF COUNCIL 13/5

1025-233 / 14.5.20

28 SECOND MEMBER OF COUNCIL Seen Reed 15.5.20

29 Rec perusal of order as to issue of Press Communiqué in connection with Financial Statement 14/5

D. 3835 / 6402 / 13.5.20

THIRD MEMBER OF COUNCIL.

30 Order re general rule may issue in draft & then order re not required with issue CSB 13/5

31 Draft issued in CB. 17-5-20.

NOTE—Contn. sheet.

. R. S. III-2]

5-238-915- CA 583/15-

General and Revenue Secretariat. | File No. | of 191

Serial No.	
	32. The file is herewith returned to the C. B. for further action. A copy of the general orders issued is placed in the file.
already sent	
	15-7-6
	15/6
16/6/1920	C.B.
	Draft G.O. & Notes sent
	16/6/1920 Chief Sec.
	17/6/20 for approval 3rd Member
8067 21-6-20	appd 19/6
	Secy.
	22/6/20

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

CB File No. 5-3 of 1919.

Serial No.	
	K No. 3115-9 J. D. was consulted & agrees. Page 4. Draft-Paper put up for orders. Bsq 6 Bsq 6 2916 Issued No 2786-88/3-6
6	To. The Inspector General of Police. The Revenue Commissioner. The Comptroller, Ceylon Govt. No. 2786-88/CB 5-3-19-6 of 28-6-1920. Shall the Mr. Abdul Majid's representation will be disposed of according to the principle of the ruling of the Govt. of India & also shall he will be provided the 2nd class of Asst. Com's from 5th January 1920.
7	To. The Compiler, Ceylon Gazette. No. 2789/C.B. 5-3-19-7 of 28-6-1920. Notifies the promotion of Mr. S Abdul Majid Asst. Com. from 3rd to 2nd class.

Pub: in the Ceylon Gazette in part I, at page 803.

P2

NOTE—Contn. sheet.

CB 563

CB 563-19-52

No. 1693 Office of the Inspector General of Police in Mysore,

Dated Bangalore, the 15th December 1919.

From

A. SUBRAHMANYA IYER, Esq., B.A.,

Offg. Inspector General of Police in Mysore.

To

C. S. BALASUNDARAM IYER, Esq., B.A.,

Chief Secretary to the Government of

His Highness the Maharaja of Mysore.

S i r,

With reference to your letter No.792/C.B.53-19-4 dated 10th December 1919 about Mr.S.Abdul Wazid, Superintendent of Police, Kadur District, I have the honor to state that when submitting Mr.Abdul Wazid's application to Government I added no remarks of my own as the matter is one decided by Government after due deliberation. Even now it is not my object that the decision of Government on the merits should be modified. I confine myself to the matter of punishment. Mr.Abdul Wazid's contention is that his promotion should be deferred for 6 months only once that the subsequent increments should not be affected.

2 After I forwarded Mr.Abdul Wazid's application I found in the Police Gazettes that are received in the Office an order of the Government of India reproduced which support Mr.Abdul Wazid's contention in all cases in which it is not expressly stated that the order should affect subsequent increments. With a view that this aspect might be considered, I now respectfully suggest a further consideration of the matter.

3 I enclose for the purpose of reference and kind

return

Bihar & Orissa
return the Police Gazette ~~of Bengal~~ dated 29-8-1919.

I have the honor to be,,
SIR,
Your most obedient servant,

Offg. Inspector General of Police.

G.R.S. VI–71]

Cover 2 drafts
No. R86/18.
8 30/6

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

, *the* 191 .

Date of issue 28th June 1920

Signed by Rao C. S. Balasundaram Iyer.

May this be

i Printed ?

treated as a standing order ?

published in the Gazette, English Part ?

translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Section C1

File No. 52

Serial No. 16

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— again,

G. O. no. J. 306-10 dated 26th July 1917 among other things Police 15-17-1

directing that the promotion of Mr. S. Abdul Wajid, District Supdt of Police to 3rd class of Asst Commrs be deferred for a period of 6 months.

Read also

Correspondence ending with letter no. R. O. C. 1693/1920 dated 15th Dec 1919 from the Offg Inspector General of Police Ordon Thereon—No.

stating that in the Mr. Abdul Wajid's contention is that his promotion should be deferred only once and that subsequent promotions from one class to the next higher cla

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

sheet draft form.)

He will be promoted to the 2nd Class of Asst Commrs with effect 5th Jany 1920. A notification will issue accordingly.-

CBJ 19/6

MS 17/6/20 Chief Secy to Govt

To The IG of Police in Mysore (with the Copy of the Bihar & Orissa Police Gazette dy 29/8/1919

The Revenue Commissioner in Mysore

The Comptroller, Mysore Govt Treasuries & Accts

Copy to the Protection Branch

MM 17/6/1920

G. R. S. VI—G/32]

2 Drafts

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

( )

, the *191* .

Section CB

File No. 53/19

Serial No. 7

Notn No. 2789

Date of issue 28th January 1920

Signed by Dwn C. S. Balasubramanya Iyer.

To

Mr. S. Abdul Wajid Ba, Asst Commr.,

is promoted from 3rd to 2nd class of

Asst Commrs. with effect from 5th Janr 1920.

By order

CSK 19/6

MK 17/6/20 Ch: Secy

To The Compiler, Mysore Gazette for publication in the Gazette.